

Exhibit 2

April 7, 2009

Dan McIntosh Deposition Transcript Excerpts

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

APPLETON PAPERS, INC., and
NCR CORPORATION,

Plaintiffs,

vs.

Case No. 2:08-CV-00016-WCG

GEORGE A. WHITING PAPER COMPANY, et al.,

Defendants.

Deposition of DAN MCINTOSH

Tuesday, April 7th, 2009

9:02 a.m.

at

THE COPPERLEAF HOTEL
300 West College Avenue
Appleton, Wisconsin

Reported by Rosanne E. Pezze, RPR/CRR

1 If you would turn to page 7 of the
2 report, NCR-FOX-400672. In the middle of the page
3 there's a paragraph that begins with the word
4 "Meetings were held" or the words "Meetings were
5 held." Do you see that?

6 A Yes.

7 Q "Meetings were held this month with both Appleton and
8 Mead on the subject of NCR specifications and
9 deviations."

10 Do you have, as you sit here today,
11 any understanding in terms of what the specifications
12 and deviations were that were being discussed at this
13 meeting?

14 A Not that were being discussed at that meeting.

15 Q Okay. Do you have any understanding in terms of
16 deviations that existed at Appleton and Mead with
17 regard to the NCR paper at this point in time?

18 A Not specifically.

19 Q How about generally?

20 A Generally, there were deviations that were granted to
21 the mills from time to time because of their
22 inability to balance one offer to the other, or there
23 were conflicting objectives from their standpoint.
24 They could meet one but not the other, and so we had
25 to adjust the specifications accordingly.

5 Q But all of that had to be done with NCR's approval?

6 | A **Correct.**

7 Q And again, the specifications, these only dealt with
8 NCR paper, the manufacture of NCR carbonless copy
9 paper?

10 A Correct.

11 Q Did Appleton or Mead manufacture anything else for
12 NCR other than carbonless copy paper?

13 A Appleton produced some thermal paper for NCR as well.

14 (Deposition Exhibit No. 449 marked for
15 identification.)

16 BY MR. RABBINO:

17 Q Exhibit 449 is the August 1966 progress report for
18 the NCR Paper and Supply Products Technical Services
19 division. Begins on NCR-FOX-445580 and goes to
20 NCR-FOX-445595, and this was one of the reports you'd
21 previously reviewed with counsel.

22 If you'd turn to the very first page
23 of text, NCR-FOX-445581. The second paragraph reads,
24 "During August, much effort was spent in compiling
25 information for a discussion with Appleton Coated

1 versions, which were non-Aroclor.

2 BY MR. RABBINO:

3 Q But it did include Aroclor 1242 at one point?

4 A Correct.

5 Q The last sentence reads, "This gave NCR total control
6 authority over the most important material in the
7 entire system." Do you agree with that?

8 A Well, from Tom's perspective, that's the way he
9 looked at it, and probably was valid from his
10 viewpoint.

11 Q Okay. If we turn to the next page -- well, let me
12 ask you this, though.

13 To the extent that NCR controlled the
14 production of the emulsion and the distribution of
15 the emulsion, carbonless copy paper couldn't be made
16 without the emulsion; is that correct?

17 A Correct.

18 Q So if NCR controlled it, then they did control
19 certainly one of the more important parts of the
20 process?

21 A That's correct.

22 Q Turning to the next page. That paragraph reads, "NCR
23 very carefully and thoroughly set down strict
24 specifications and test methods for all ingredients
25 used in the production of the paper."

1 Do you see that?

2 A Yes.

3 Q Do you agree with that statement?

4 A Well, yes, but there were a lot of changes over time
5 to those, so --

6 Q Well, that's true. But did NCR have --

7 A There was a fairly complete set of specifications and
8 test methods, but we were always finding the mills
9 didn't particularly strictly follow those, so we had
10 to --

11 Q Well, the paragraph later reads, "No formulation or
12 processing changes were permitted without NCR
13 approval." Do you agree with that statement?

14 A That would have been the policy of NCR, yes.

15 Q Okay. If you'd turn to page 50 -- well, actually,
16 turn to page 49 first. In the first full paragraph
17 on the page, it deals with speaking of a time frame
18 in 1967 that Appleton completed the installation of
19 the first tandem coater. Do you see that?

20 A Yes.

21 Q Do you recall Appleton doing that in 1967?

22 A Yes.

23 Q And then later at the bottom, soon after the
24 installation of the first tandem coater, it was
25 apparent that another tandem machine would be